

CHAPTER 176
CRITERIA FOR AWARDS OR GRANTS

641—176.1(135,17A) Purpose. The department provides funds to a variety of entities throughout the state for the support of public health programs. The department considers that all funds are subject to competition pursuant to Iowa Code statutes and Iowa Administrative Code rules governing service contracts.

641—176.2(135,17A) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Competitive selection process*” means the competitive selection application process engaged in by the department to compare applicant qualifications, terms, conditions and pricing for services to purchase services based on quality, performance, and prices of equal or similar services in order to meet the objective of purchasing services based on quality, performance, or price or any combination thereof.

“*Continuation application*” means the application process for subsequent years within a project period following a competitive selection process.

“*Department*” means the Iowa department of public health.

“*Project*” means the activities or program(s) funded by the department.

“*Project period*” means the period of time which the department intends to support the project without requiring the recompetition for funds. The project period is specified within the competitive selection application and may extend to six years.

“*Service delivery area*” means the defined geographic area for delivery of project services. Competitive applications shall not fragment existing integrated service delivery within the defined geographic area.

641—176.3(135,17A) Exceptions. Exceptions to these rules are as follows:

1. New funds (including pilot studies and demonstration grants) that become available for new services.
2. Federal or private funding agency specified a sole source.
3. An organization failed to meet conditions and performance standards specified in the contract awards.
4. Mutual agreement among department and contract organizations.

641—176.4(135,17A) Requirements. The following shall be included in all competitive selection applications made available by the department:

1. Funding source.
2. Project period.
3. Services to be delivered.
4. Service delivery area.
5. Funding purpose.
6. Funding restrictions.
7. Funding formula (if any).
8. Matching requirements (if any).
9. Reporting requirements.
10. Performance criteria (experience of applicant in administering similar contracts).

11. Description of eligible applicants.
12. Need for letters of support or other materials (if applicable).
13. Application due date.
14. Anticipated date of award.
15. Eligibility guidelines for those receiving the service or product and the source of those guidelines, including fees or sliding fee scales (if applicable).
16. Target population to be served (if applicable).
17. Evaluation process and criteria.
18. Appeal process.
19. Contractual terms.
20. Business organization.

641—176.5(135,17A) Review process (competitive applications only). The review process to be followed in determining amount of funds to be approved for award of contract shall be described in the competitive selection application. The review criteria and point allocation for each shall also be described in the competitive selection application.

The review committee membership shall be determined by the bureau chief, with oversight from the respective division director. The review committee members shall allocate points per review criteria in conducting the review.

In the event applications for the service delivery area receive an equal number of points, a second review may be conducted by two division directors and the respective bureau chief administering the program.

641—176.6(135,17A) Opportunity for review and comment. Rescinded IAB 1/30/08, effective 3/5/08.

641—176.7(135,17A) Public notice of available funds. The program making funds available through a competitive selection application process shall post all competitive selection documents on the department of public health's Web site at <http://www.idph.state.ia.us> for the duration of the application period.

641—176.8(135,17A) Appeals.

176.8(1) Appeal. Letters of intent and applications received by the department after the due date and time stated in the competitive selection application will be rejected, returned to the applicant, and not reviewed by the department. An applicant may appeal the denial of a timely submitted application. The appeal shall be submitted in writing within ten business days of receipt of notification of the adverse decision. The appeal shall be addressed to the contract administrator cited in the competitive selection application guidance, Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. In the event of an appeal, the department will continue working with the applicant awarded funding pending the outcome of the appeal.

176.8(2) Contested case. Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals (DIA) pursuant to the administrative rules adopted by DIA regarding transmission of cases.

176.8(3) Hearing. Parties shall receive notice of the hearing in advance. The administrative law judge shall schedule the time, place, and date of the hearing so that the hearing is held as expeditiously as possible. The hearing shall be conducted according to the procedural rules for contested case hearings found at 481—Chapter 10.

176.8(4) *Decision of administrative law judge.* The administrative law judge's decision shall be issued within 60 days from the date of the hearing. The administrative law judge's proposed decision shall be served by certified mail, return receipt requested, or delivered by personal service. The proposed decision and order becomes the department's final decision without further proceedings 10 days after it is received by the aggrieved party unless an appeal to the director is filed by either of the parties as provided in subrule 176.8(5) or the director serves notice on the parties of the director's intent to review the decision.

176.8(5) *Appeal to director.* Any appeal to the director for review of a proposed decision shall be mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge and the other parties. A request for appeal shall include the specific grounds for appeal.

176.8(6) *Record of hearing.* Upon receipt of an appeal request, the administrative law judge shall prepare a record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules;
- b. All evidence received or considered and all other submissions by recording or transcript;
- c. All statements of matters officially noticed;
- d. All questions and offers of proof, objections, and rulings thereon;
- e. All proposed findings and exceptions; and
- f. The proposed decision and order of the administrative law judge.

176.8(7) *Decision of director.* Upon receipt of a properly filed appeal, the director shall establish a briefing schedule and, at the discretion of the director, an opportunity for oral argument. An appeal to the director shall be based on the record made at the hearing. The director may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law the director finds to be in error. The decision and order of the director shall be delivered by certified mail, return receipt requested, or by personal service, and becomes the department's final decision upon receipt by the aggrieved party.

176.8(8) *Exhausting administrative remedies.* It is not necessary to file an application for rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19.

176.8(9) *Judicial review.* The aggrieved party to the final decision of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A. Petitions for judicial review shall be filed within 30 days after the decision becomes final. The party who appeals a final agency action to district court shall pay the costs of the preparation of a transcript of the contested case hearing for the district court.

176.8(10) *Applicability of rule.* This rule governs the appeal process for a competitive selection process if the specific administrative rules of the relevant program do not contain a process for appeal.

These rules are intended to implement Iowa Code chapters 17A and 135.

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